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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,194	03/29/2004	Arthur Navarro	AN-1-gw	2864
7590	01/06/2006			
Michael I. Kroll 171 Stillwell Lane Syosset, NY 11791			EXAMINER MCPARTLIN, SARAH BURNHAM	
			ART UNIT 3636	PAPER NUMBER
DATE MAILED: 01/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/812,194	Applicant(s) NAVARRO, ARTHUR	
	Examiner Sarah B. McPartlin	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/29/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the front panel and rear panel described in claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following words/phrases lack sufficient antecedent basis:

- the sides (claim 1, line 9)
- said roof support frame (claim 1, lines 10-11)
- said roof supports (claim 10, line 2; claim 11, line 2)


Claims 2-9 and 12-15 are rejected as being dependent upon a rejected base claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

-  11/4/06. 5. Claims <sup>1 & 2</sup> are rejected as best understood under 35 U.S.C. 102(b) as being anticipated by Love (5,806,549). With respect to claim 1, Love discloses a portable shelter (10) for a vehicle (2), the vehicle (2) having a front and rear bumper (unlabeled) comprising: a support frame (14)(14)(14)(14)(30)(32)(34)(36) having a plurality of horizontal members (30)(32)(34)(36) and a plurality of upright members (14)(14)(14)(14)

for supporting the portable shelter (10), wherein said support frame provides for a roof (58), a pair of sides (60)(60) and a front and rear end (60)(60); a roof (58) being disposed on said support frame to permit the vehicle to be covered; a pair of side panels (60)(60) being disposed on said support frame for protecting the sides of the vehicle; a pair of anchor cords (18)(18) having a first end (unlabeled) connected to said roof support frame by way of holes (26) and a second end, equipped with suction cups (24) adapted to be connected to the vehicle (2) to permit the portable shelter (10) to be secured to the vehicle (2); and wherein said support frame (14)(14)(14)(14)(30)(32)(34)(36), roof (58), sides (60) and anchor cords (18) can be folded into a compact size to permit the shelter (10) to be portable (see Figures 3 and 4).

With respect to claim 2, Love discloses a plurality of anchor rings (54) disposed around said support frame (14)(14)(14)(14)(30)(32)(34)(36) wherein said anchor rings are secured to the ground to permit the portable shelter (10) to be secured to the ground.

Love further discloses a front and rear panel (60) being disposed on the support frame to permit the front and rear of the vehicle to be protected. Said horizontal members (30)(32)(34)(36), which constitute said roof supports, of said support frame have first and second ends (unlabeled) and are foldable at joint (42) which is intermediate the first and second ends of the horizontal frame members to permit the portable shelter (10) to be folded. Furthermore, the first and second ends (unlabeled)

of the horizontal members are joined to said upright members (14) at a jointed section (46) allowing for further folding of the portable shelter (10).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Love (5,806,549) in view of Morgan (5,040,557). As disclosed above, Love reveals all claimed elements with the exception of a water proof roof, mesh side panels, a bungee style anchor chord and a hook for connection to the vehicle.

Morgan discloses a portable vehicle shelter (Figure 1) comprising a cover (4) made of "Gore-Tex" (column 2, line 48). GORE-TEX is a well known waterproof plastic mesh material. Morgan also teaches the use of "bungee cords" (column 6, line 3 used to stabilize the frame and connect it to the bumper or fender. The bungee cords (29) and (30) can be seen in Figure 3 and have a hook at one end thereof for attaching to the vehicle.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the GORE-TEX material taught by Morgan to form the shelter disclosed by Love. This material is "well known" and waterproof and provides breathability. Furthermore, it would have been obvious to use bungee cords as taught

by Morgan in place of the tether chords (18) disclosed by Love. Bungee chords are very strong yet easy to use and acquire.

8. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Love (5,806,549) in view of Morgan (5,040,557) and in further view of Holt (3,476,127). As disclosed above, Love, as modified, reveals all claimed elements with the exception of a strap with hook and loop material for securing the folded portable shelter.

Holt teaches the use of a fastening element (72) with a snap (74) for securing a tent like structure (10) in a folded condition.

It would have been obvious to use the strap taught by Holt on the structure revealed by Love. Such a modification would create a neater and more secure folded condition. Furthermore, it would have been obvious to substitute VELCRO for the snap elements (74). VELCRO and snaps are readily known in the art as functional equivalents.

Furthermore, it is an obvious matter of design choice to specify the longest folded side of the portable shelter as being 36 inches. Any compact size would appear to function equally as well.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Love (5,806,549) in view of Morgan (5,040,557) in view of Holt (3,476,127) and in further view of Nguyen (US2003/0015232). As disclosed above, Love, as modified, reveals all claimed elements with the exception of a support frame made of carbon fiber material.

Nguyen teaches the use of "carbon fiber" (paragraph [0025]) material to form a vehicle shelter support structure.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the material taught by Ngyuen to form the support structure disclosed by Love. Such material is rigid enough to give a firm shape to the covering yet flexible enough to allow easy assembly as disclosed in paragraph [0025].

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Cothorn (2,995,137); Kim (US 2004/0123892); Artim et al. (4,402,544); Sebell (1,784,115); Barnes (1,836,060); Robie (2,598,940) and Marbury (1,603,785).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah B. McPartlin whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBM  
December 19, 2005

  
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